Joyce W. Lindauer
State Bar No. 21555700
Sarah M. Cox
California Bar No. 245475
Jamie N. Kirk
State Bar No. 24076485
Jeffrey M. Veteto
State Bar No. 24098548
Dallas, Texas 75231
Telephone: (972) 503-4033
Facsimile: (972) 503-4034
PROPOSED ATTORNEYS FOR DEBTOR

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION

IN RE:	§	
	§	
MIDDELKOOP DAIRY, LLC,	§	**CASE NO. 17-50082**
	§	**Chapter 12**
	§	
Debtor.	§	

DEBTOR'S EMERGENCY MOTION TO PAY PRE-PETITION PAYROLL

NO HEARING WILL BE CONDUCTED ON THIS MOTION UNLESS A WRITTEN OBJECTION IS FILED WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT AND SERVED UPON THE PARTY FILING THIS PLEADING WITHIN FOURTEEN (14) DAYS FROM THE DATE OF SERVICE UNLESS THE COURT SHORTENS OR EXTENDS THE TIME FOR FILING SUCH OBJECTION. IF NO OBJECTION IS TIMELY SERVED AND FILED, THIS PLEADING SHALL BE DEEMED TO BE UNOPPOSED, AND THE COURT MAY ENTER AN ORDER GRANTING THE RELIEF SOUGHT. IF AN OBJECTION IS FILED AND SERVED IN A TIMELY MANNER, THE COURT WILL THEREAFTER SET A HEARING. IF YOU FAIL TO APPEAR AT THE HEARING, YOUR OBJECTION MAY BE STRICKEN. THE COURT RESERVES THE RIGHT TO SET A HEARING ON ANY MATTER.

TO THE HONORABLE JUDGE OF THE UNITED STATES BANKRUPCTY COURT:

COMES NOW MIDDELKOOP DAIRY, LLC, ("Debtor"), the Debtor and Debtor-in-Possession in the above-styled and numbered case and files this its Debtor's Emergency Motion to Pay Pre-Petition Payroll and in support of same would respectfully show the Court as follows:

1. Debtor filed its voluntary petition under Chapter 12, of the United States Bankruptcy Code on April 21, 2017, in the United States Bankruptcy Court for the Eastern District of Texas, Texarkana Division.

2. The Debtor desires to pay its pre-petition payroll due to its employees as of April 21, 2017. The Debtor wishes to pay two weeks of payroll, one of the weeks is pre-petition. A payroll list is attached hereto as **Exhibit "A**" and incorporated herein by this reference as if set forth in full for all purposes.

3. This is an emergency matter as the employees that have provided their time and talent to the Debtor deserve to be paid. There is substantial harm in not permitting such payments. The creditors in this case can better absorb any loss or shortfall than can the employees and their families. The employees' pre-petition claims that are part of this payroll are priority claims under 11 U.S.C. Section 507(a)(4) to the extent of $12,475.00 per individual for wages, salaries, and sales commissions. The total amount to be paid is $3,330.00 which includes $1,275.00 in pre-petition payroll.

WHEREFORE, PREMISES CONSIDERED, Debtor respectfully requests that this Court enter an Order allowing the payment of the pre-petition portion of the payroll set forth on **Exhibit "A"** attached hereto; and for such other and further relief, as law or in equity, to which the Debtor may show itself justly entitled.

Dated: April 26, 2017

Respectfully submitted,

/s/ Joyce W. Lindauer

Joyce W. Lindauer
State Bar No. 21555700
Sarah M. Cox
California Bar No. 245475
Jamie N. Kirk
State Bar No. 24076485
Jeffery M. Veteto
State Bar No. 24098548
Joyce W. Lindauer Attorney, PLLC
12720 Hillcrest Road, Suite 625
Dallas, TX 75230
Telephone: (972) 503-4033
Facsimile: (972) 503-4034
PROPOSED ATTORNEYS FOR DEBTOR

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on April 26, 2017, a true and correct copy of the foregoing document was served via email pursuant to the Court's ECF system upon the parties listed below.

/s/ Joyce W. Lindauer

Joyce W. Lindauer

Pay Period			
April 15-28, 2017			
Pay Date 04/28/2017			
Name	**Rate**	**Frequency**	**Gross Pay**
Marlene Flores	$425.00	weekly	$ 850.00
Ben Rocha	$425.00	weekly	$ 850.00
Nicholas Rocha	$425.00	weekly	$ 850.00
Owner Draw	$750.00	weekly	$ 750.00
			$ 3,300.00

EXHIBIT "A"